

110TH CONGRESS
1ST SESSION

H. R. 3327

To amend the Animal Welfare Act to prohibit dog fighting ventures.

IN THE HOUSE OF REPRESENTATIVES

AUGUST 2, 2007

Mr. GALLEGLY (for himself, Mr. BLUMENAUER, Mr. SHIMKUS, Mr. CALVERT, Mr. GARY G. MILLER of California, Mr. MARKEY, Mr. BILBRAY, Mr. COSTELLO, Mrs. MILLER of Michigan, Mr. PALLONE, Mr. UPTON, Mr. LEWIS of Kentucky, Mr. DOYLE, Mr. GILCHREST, Mr. KILDEE, Mr. BERMAN, Ms. LORETTA SANCHEZ of California, Mr. SHERMAN, Mrs. LOWEY, Mr. WOLF, Mr. THOMPSON of California, Mr. ROTHMAN, Ms. LINDA T. SÁNCHEZ of California, Mr. SAXTON, Mr. COBLE, Mr. BURTON of Indiana, Mr. LOBIONDO, Mr. CASTLE, Mr. BAIRD, Mr. WAXMAN, Mr. EVERETT, Mr. BILIRAKIS, Mr. ABERCROMBIE, Mr. SHAYS, Mr. KUCINICH, Mr. JONES of North Carolina, Ms. ESHOO, Ms. WATSON, Mr. MORAN of Virginia, Mr. WHITFIELD, Mr. RAMSTAD, Mr. MCHUGH, Ms. HARMAN, Mr. FORBES, Mr. TOM DAVIS of Virginia, Mr. WEINER, Mr. SCHIFF, Mr. ACKERMAN, Mrs. MYRICK, Ms. HOOLEY, Mr. SMITH of New Jersey, Mr. CAMPBELL of California, Ms. ZOE LOFGREN of California, Mr. LANTOS, and Mrs. BIGGERT introduced the following bill; which was referred to the Committee on Agriculture, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend the Animal Welfare Act to prohibit dog fighting ventures.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Federal Dog Protec-
3 tion Act”.

4 **SEC. 2. PROHIBITIONS ON DOG FIGHTING VENTURES.**

5 (a) IN GENERAL.—Section 26 of the Animal Welfare
6 Act (7 U.S.C. 2156) is amended to read as follows:

7 (1) in subsection (a)(1)—

8 (A) by striking “any person to knowingly
9 sponsor” and inserting “any person—

10 “(A) to knowingly sponsor”;

11 (B) by striking the period at the end and
12 inserting “; or” and

13 (C) by adding at the end the following:

14 “(B) to knowingly sponsor or exhibit an
15 animal in, or knowingly attend, a dog fighting
16 venture.”;

17 (2) in subsection (b)—

18 (A) by striking “any person to knowingly
19 sell” and inserting “any person—

20 “(A) to knowingly sell”;

21 (B) by striking the period at the end and
22 inserting “; or” and

23 (C) by adding at the end the following:

24 “(B) to knowingly sell, buy, possess, train,
25 transport, deliver, or receive for purposes of
26 transportation, any dog or other animal, for the

1 purposes of having the dog or other animal, or
2 offspring of the dog or other animal, participate
3 in a dog fighting venture.”;

4 (3) by striking subsection (c) and inserting the
5 following:

6 “(c) Use of Postal Service or other interstate instru-
7 mentality

8 It shall be unlawful for any person to knowingly use the
9 mail service of the United States Postal Service or any
10 instrumentality of interstate commerce for commercial
11 speech that promotes, or in any other manner furthers,
12 the actions prohibited by subsections (a), (b), or (e).”;

13 (4) in subsection (f) by striking “by the United
14 States” before “for care of animals seized and for-
15 feited”.

16 (5)(A) by redesignating subsections (g), (h),
17 and (i) as subsections (h), (i), and (j), respectively;
18 and

19 (B) by inserting before subsection (h) (as so re-
20 designated) the following:

21 “(g) SUPPLEMENTAL ENFORCEMENT.—

22 “(1) Except as provided in paragraph (2) of
23 this subsection, any animal control agency, humane
24 society, or society for the prevention of cruelty to
25 animals may commence a civil suit to enjoin any pri-

1 vate party who is alleged to be in violation of any
2 provision of this section concerning animal fighting.

3 “(2) No action may be commenced under this
4 subsection prior to sixty days after written notice of
5 the violation has been given to the Secretary of Agri-
6 culture and to any alleged violator of any provision
7 of this section, except that such action may be
8 brought immediately after such notification in the
9 case of an action under this subsection respecting an
10 emergency posing an immediate risk of death or
11 grievous suffering to the well-being of any animal
12 covered by this section.

13 “(3) In any suit under this subsection in which
14 the United States is not a party, the Attorney Gen-
15 eral, at the request of the Secretary, may intervene
16 on behalf of the United States as a matter of right.

17 “(4) The court, in issuing any final order in
18 any suit under this subsection, may award costs of
19 litigation to any party, whenever the court deter-
20 mines such award is appropriate.

21 “(5) The injunctive relief provided by this sub-
22 section shall not restrict any right which any person
23 may have under any statute or common law to seek
24 enforcement of any standard or limitation or to seek
25 any other relief.”; and

1 (6) in subsection (h) (as so redesignated)—

2 (A) in paragraph (5), by striking “and” at
3 the end;

4 (B) by redesignating paragraph (6) as
5 paragraph (7); and

6 (C) by inserting after paragraph (5) the
7 following:

8 “(6) the term ‘dog fighting venture’—

9 “(A) means any event that—

10 “(i) involves a fight between at least
11 2 animals;

12 “(ii) includes at least one dog; and

13 “(iii) is conducted for purposes of
14 sport, wagering, or entertainment; and

15 “(B) does not include any activity the pri-
16 mary purpose of which involves the use of 1 or
17 more animals to hunt another animal.”.

18 (b) ENFORCEMENT OF ANIMAL FIGHTING PROHIBI-
19 TIONS.—Section 49 of title 18, United States Code, is
20 amended by inserting “(or in the case of a dog fighting
21 venture (as defined in section 26(g) of that Act) not more
22 than 5 years)” before “, or both”.

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